

Atty. Docket No.: IPHD.P012

Serial No. 09/591,381

## REMARKS

This is in response to the office action mailed December 5, 2007.

Claim 31 is pending in the application. Claim 31 is amended herein. Applicants respectfully submit that the amendments herein do not add new matter.

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Petition for Extension of time under 37 C.F.R. § 1.136

Applicant submits herewith a petition for a three (3) month extension of time, including the fee under 37 C.F.R. § 1.17.

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Rejections under 35 USC § 103

Claim 31 was rejected under 35 USC § 103 (a) as being unpatentable over Henderson, et al. (US Patent No. 7,286,658, hereinafter "Henderson") in view of Doviak, et al. (US Patent No. 6,826,405, hereinafter "Doviak").

Applicants respectfully submit that claim 31 is not made unpatentable by either Henderson or Doviak, alone or in any combination. Applicants have, however, amended claim 31 herein in order to clarify claim 31.

Applicants respectfully submit that claim 31 is patentable over the cited art. Applicants submit that Henderson teaches a method in which Caller ID data originating from the public switched telephone network or other caller identifying data is received in a paging signal and compared to contact data stored in memory that is associated with actual or potential communicants. When a match is determined between the Caller ID or other caller identifying data contained in a wireless paging signal and at least one database record recorded in memory, images or other information associated with the communicant are displayed or annunciated at the wireless device. See Henderson, Abstract. Applicants are of the opinion that the teachings of Henderson have little or no relationship to claim 31 and, as such, fail to disclose the elements of claim 31. Thus, Henderson fails to make claim 31 unpatentable.

More specifically, Applicants have analyzed the portions of Henderson cited by the examiner (e.g., column 13, lines 33-67; column 14, lines 1-52; column 11, lines 65-67; column 12, lines 1-60; column 11, lines 5-39; column 14, lines 54-67; column 8, lines

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50-65) and fail to find any mention of a dynamically configurable wireless communication system, comprising one or more of the following:

a server comprising a processor coupled to a memory that stores, functional instructions comprising distinct instructions and instruction sets for use in providing a plurality of functions at a mobile device; and a plurality of communication protocols, comprising wired and wireless communication protocols, and a plurality of control protocols that facilitate communication between the server and the mobile device and a remote system, wherein the server controls conversion of the mobile device from a first function to a second function to provide the plurality of functions at the mobile device; and

a mobile device, wherein the mobile device supports voice and data communications, wherein the mobile device communicates using different parameters, including different frequencies, the mobile device accessing the functional instructions at the server; wherein the mobile device requests reconfiguration from the first function to the second function via a request message to the server requesting transmission of second functional instructions corresponding to the second function, wherein first functional instructions enable the first function on the mobile device, and the second functional instructions enable the second function on the mobile device, wherein the functional instructions include the first and the second functional instructions; wherein the mobile device receives the second functional instructions; and wherein the mobile device processes the second functional instructions and provides the second function at the mobile device in response to the processing, wherein the second function includes one or more of communication functions, electronic mail transmit and receive functions, control functions, video functions, and audio functions.

Even if, in the opinion of the examiner, the cited portions of Henderson anticipate some of the elements of claim 31, Applicants are unable to understand the reasoning behind the examiner's rejection in light of the portions of Henderson cited by the examiner in the Office Action. Thus, Applicants submit that Henderson fails to teach or

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suggest each and every element of amended claim 31, and therefore fails as an anticipatory reference.

Moreover, Doviak does not provide a teaching or suggestion which would compensate for the deficiencies of Henderson as described in detail above. Doviak teaches intelligent routing of data between a remote device and a host system.

The apparatus and method may include a remote network controller that logically resides between the host network and the existing infrastructure(s) that are used to provide communications network contact with one or more remote devices. The remote network controller is connected to the host communication network as a protocol-appropriate communications controller so that remote devices are indistinguishable to the host network from the locally-attached devices. Each remote device may be provided with an asynchronous serial data interface to communicate with a mobile data controller. The mobile data controller, in combination with the remote network controller, provides end-to-end data communication such that incompatible protocols are transparent to the remote device and host communication network. A router may be provided which selects a communications network in accordance with user configured parameters. The router communicates over a plurality of incompatible networks and is capable of using a variety of different protocols. Switching between the plurality of incompatible networks is transparent to the remote device and host communication network.

(Abstract)

Doviak is limited to facilitating communication despite different networks and communication protocols. Doviak does not supply the deficiencies of Merritt because Doviak fails to teach or suggest a dynamically configurable wireless communication system, comprising one or more of the following:

a server comprising a processor coupled to a memory that stores, functional instructions comprising distinct instructions and instruction sets for use in providing a plurality of functions at a mobile device; and a plurality of communication protocols, comprising wired and wireless communication protocols, and a plurality of control protocols that facilitate communication between the server and the mobile device and a remote system, wherein the server controls conversion of the mobile device from a first function to a second function to provide the plurality of functions at the mobile device; and a mobile device, wherein the mobile device supports voice and data

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communications, wherein the mobile device communicates using different parameters, including different frequencies, the mobile device accessing the functional instructions at the server; wherein the mobile device requests reconfiguration from the first function to the second function via a request message to the server requesting transmission of second functional instructions corresponding to the second function, wherein first functional instructions enable the first function on the mobile device, and the second functional instructions enable the second function on the mobile device, wherein the functional instructions include the first and the second functional instructions; wherein the mobile device receives the second functional instructions; and wherein the mobile device processes the second functional instructions and provides the second function at the mobile device in response to the processing, wherein the second function includes one or more of communication functions, electronic mail transmit and receive functions, control functions, video functions, and audio functions.

Since Doviak does not compensate for the deficient teachings of Henderson, the combination of Henderson and Doviak does not make obvious the system as claimed in claim 31. Applicants further respectfully submit that one of ordinary skill in the art would find no motivation to combine the references as suggested, at least because neither reference teaches or suggests control protocols, or functional instructions as claimed, wherein the mobile device functions to provide one or more of communication functions, electronic mail transmit and receive functions, control functions, video functions, and audio functions as claimed. For all of these reasons, Applicants respectfully submit that the claimed invention would not have been obvious in view of the cited references.

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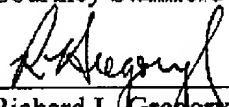
Applicants respectfully submit that claim 31 is patentable over Henderson and Doviak in view of the foregoing amendments and arguments. If in the opinion of the Examiner a telephone conference would expedite the allowance of the claims, the Examiner is encouraged to call the undersigned at (408) 342-1900.

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Respectfully submitted,  
Courtney Staniford & Gregory LLP

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